



Reagan Sends Criminal Justice Reform Act To Hill

President Reagan has presented Congress with a legislative package that would limit the insanity defense, reform the exclusionary rule, and establish procedures for the federal review of state criminal proceedings.

The proposal is intended to supplement the Administration-backed Violent Crime and Drug Enforcement Improvement Act now before Congress. That bill addresses bail reform, victim-witness protection, drug penalties, protection of federal officials, sentencing

reform, expanded criminal forfeiture, donation of surplus federal property to state and local governments for needed correctional facilities, and other improvements in federal criminal laws.

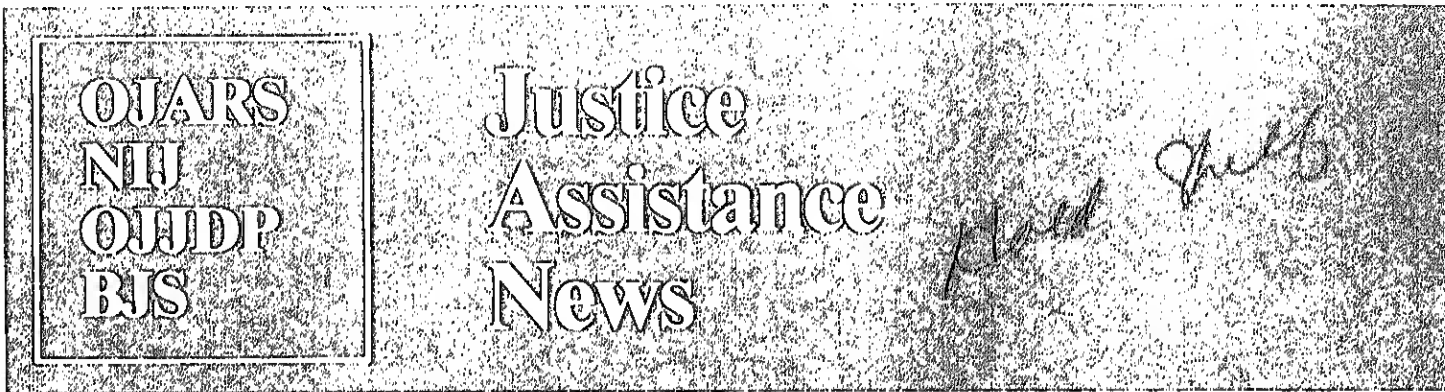
Bills Simplify System

"These measures will simplify the justice system and make it more likely that those who commit crimes pay a price," President Reagan said about the two bills. "The American people want a sys-

tem of justice they can understand and they can have confidence in. And this is our goal as well."

The President's Criminal Justice Reform Act of 1982, introduced last month, would limit the insanity defense so that a person could be found not guilty by reason of insanity only if, as a result of mental disease or defect, he lacked the state of mind required by statute when committing the offense.

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Crime Victims Task Force Begins Hearings

Richard Morefield, a former Iranian hostage, said being held captive in the American Embassy in Iran was not the worst experience of his life. That was four years earlier when he learned his 19-year-old son, Richard, Jr., had been shot to death by an armed robber.

"My husband came home," said Morefield's wife, Dorothea. "My son will never come home."

Mrs. Morefield described the shattering impact of her son's murder on the family at the opening of hearings in Washington, D.C., by the President's Task Force on Victims of Crime appointed by President Reagan to report on the problems of crime victims.

Presidential Counsellor Edwin Meese III, who also testified, said the work of the task force is "part of an integrated approach to crime" the administration launched with its proposals to tighten the rules of criminal procedure (see above story).

Attorney General William French Smith opened the hearings and pledged

the Department of Justice" to the task force.

"Working together, I am confident that we can secure for victims of crime

the respect and consideration they have the right to demand of the criminal justice system," he said.

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WHAT THEY ARE SAYING

Insanity Defense: Abolish In All But A Few Cases

The following is excerpted from testimony by Associate Attorney General Rudolph Giuliani before House Judiciary Committee's Subcommittee on Criminal Justice.

Although the insanity defense is raised in few federal cases and is successful even fewer, the defense raises fundamental issues of criminal responsibility which the Congress should address. Moreover, the insanity defense is often asserted in cases of considerable notoriety, which influence the public's perception of the fairness and efficiency of the criminal justice process.

The Department of Justice has given this issue a great deal of thought over the past decade. In our view, the insanity defense should be abolished to the full extent permitted by the United States Constitution. Further, with respect to those few cases in which the defense cannot constitutionally be eliminated, the Congress should enact legislation permitting federal judges to order the commitment of dangerous, insane defendants.

Congress has never enacted legislation defining the insanity defense for the federal courts. Similarly, the Supreme Court has left the development of the defense to the various courts of appeals. As a result, even today, the federal circuits do not apply a wholly uniform standard, although in recent years all the circuits have adopted, with some variations, the formulation proposed by the American Law Institute's Model Penal Code.

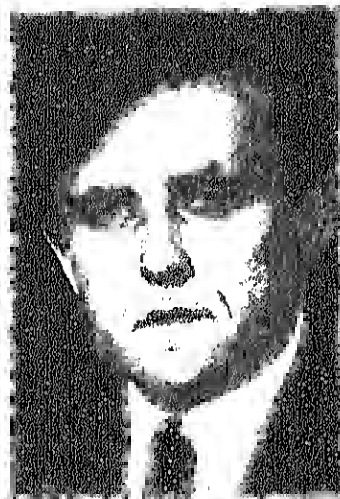
Under the formulation now prevailing, a "person is not responsible for criminal conduct if, at the time of such conduct, as a result of mental disease or defect, he lacks substantial capacity to appreciate the wrongfulness of his conduct or to conform to the requirements of the law." In our view, this prevailing test contains two critical flaws. First, it introduces concepts of a defendant's motivation into the determination of guilt or innocence. Second, it permits the introduction at trial of massive amounts of conflicting and irrelevant testimony by psychiatric experts, thereby complicating the trial process and deflecting the attention of the jury from the critical issues.

Observers of the criminal justice system have long questioned whether mental disease or defect should excuse a defendant from criminal responsibility. Ordinarily under our law, the reason or motivation for a criminal act is irrelevant, and provides no basis for exculpation. For example, a politically motivated killer may genuinely believe that his act was morally justified because the death of the victim would create injustice or lead to a better social order. Yet such a belief is clearly, and properly, irrelevant to his guilt or innocence. His motivation, if deemed to involve mitigating circumstances, would be taken into account by the judge at the time of sentencing.

There are four possible ways in which to modify the insanity defense. The first such approach would shift to the defendant the burden of proving that he was insane.

Placing the burden of proof on the defendant might alter the result in some cases. Certainly, this course of action would be constitutionally permissible, so long as it was not applied in any way to relieve the government of the burden of proving every essential element of the crime charged, including any required state of mind.

Nevertheless, this approach fails to narrow the scope of the defense. It would still permit the introduction of confusing psychiatric testimony on the defendant's moral capacity or ability to conform his conduct to the law. Instructions to the jury regarding "shifting" burdens of proof would further complicate the case for the jury. The



The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of Management and Budget through September 30, 1984. Expressions of opinion in articles do not necessarily represent the official views of the Department of Justice. The News would appreciate receiving copies of news releases, photos, reports, and books produced by members of the criminal justice community. All material submitted receives careful consideration, although it is not possible to publish every item in its entirety. Manuscripts will not be returned unless specifically requested.

(continued on page 2)

Program Offers Juvenile Offenders A Second Chance

First-time juvenile offenders in Washington, D.C., are getting a chance to straighten up and clear their records through a model "Street Law Diversion Program."

The program is operated by the National Street Law Institute in Washington, D.C., under a \$5,265 grant from the Office of Juvenile Justice and Delinquency Prevention's National Institute for Juvenile Justice and Delinquency Prevention. Since 1979, more than 200 juvenile offenders between the ages of 13 and 16 have completed the 12-week course in practical law.

The objective of the program is to improve the knowledge, attitudes, and life skills of first-time nonviolent juvenile offenders who would otherwise be placed on informal probation to help them avoid further involvement with the juvenile justice system.

Youth Rights Studied

Under the supervision of a trained law-related education teacher, youths are taught such lessons as "how not to rob the grocery store when the gang wants to but you don't," says project director Mary Curd.

"We don't assume that youths who are 13 to 16 know about law, rights, and responsibilities just because they are, perhaps, 'street wise,'" says Ms. Curd.

"In fact, as evidenced by our pre- and post-test evaluations, youths often do not know the answers to such questions as: If you are in the company of someone who robs a store, can you be charged with robbery even though you did not participate in the crime?"

Topics covered in the classes include juvenile and criminal law, court procedures, juveniles' rights, drug laws, and drug treatment programs. Attorneys, judges, police officers, and social workers participate in the classes as volunteer lecturers.

The program operates under strict guidelines.

Parents are required to attend the first class and are encouraged to participate with their children in the remaining classes. Attendance is mandatory for enrolled youths. Three unexcused absences result in expulsion from the program and return to court. Since the program began, only one student has been re-

turned to court for nonattendance, Ms. Curd said.

Students who complete the course and three months of unsupervised probation thereafter, and commit no new infractions, can have the charges dropped and their records cleared.

This incentive seems to be working, according to Ms. Curd. Youths enrolled in the program have a 15 percent rate of recidivism compared to a 40 percent rate for youths arrested for similar crimes who do not participate, she said.

Programs Evaluated

Preliminary research sponsored by OJJDP of six law-related education (LRE) programs across the country, including the Street Law Institute in Washington, D.C., found that students who are exposed to properly implemented LRE programs are less likely to participate in delinquent activities. It also found that participating students were less likely to use violence to solve problems and were less dependent on others who engage in delinquent behavior.

Reaction from most participating youths is positive, reports Ms. Curd.

"I don't hang around with the same crowd any more 'cause I don't want to go to court," said one youth enrolled in the program.

Another said, "I'd give the Street Law Diversion class of grade of 'A' because they teach stuff you need to know."

Parental reaction has been similar. For instance, one parent reported, "This is the first time I can remember Marvin ever wanting to go to classes. He wants to keep on going after the 12 weeks."

Eight jurisdictions around the country have implemented Street Law Diversion Programs based on the Washington model. They are: Compton, Calif.; Paterson, N.J.; St. Petersburg and Clearwater, Fla.; St. Louis, Mo.; New Orleans, La.; and Prince Georges' and Montgomery counties in Maryland.

The National Street Law Institute provides technical assistance and program materials to sites wishing to implement Street Law Diversion Programs. For further information, contact: Mary C. Curd, Program Director, National Street Law Institute, 605 G St., N.W., Suite 401, Washington, D.C. 20001, 202/624-8217.



FILMS

NIJ's National Criminal Justice Reference Service is introducing a new service—audiovisual loans. A broad collection of criminal justice films and videotapes are available for rental at a cost of \$25.00 a week. A minimum of three weeks notice is required for reserving a film. A guide to the 190 items available for loan—"Audiovisual Materials: A Listing of Criminal Justice Films and Videotapes from the NCJRS Collection"—is available for \$15.00 a copy. The guide includes a \$7.50 coupon that can be applied to the cost of the first order. For further information, contact: Audiovisual Program, National Institute of Justice/NCJRS, Box 6000, Dept. F, Rockville, Md. 20850, 301/251-5500.

How to catch a thief.

It's a lot like catching a weasel. They're very sneaky. The trick is, you can't catch 'em if you don't see 'em. So how do you see 'em?

Start looking. See, you and your neighbors should watch out for each other. And when you see something suspicious, call the cops, fast. So the cops can act. Fast.

To learn how to catch a thief—call your local police or sheriff. And write to **McGruff, Box 6600, Rockville, Maryland 20850.**

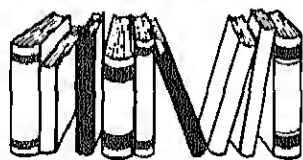
More on weasels later.

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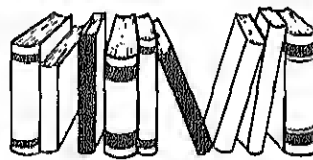
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A message from the Crime Prevention Coalition
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**TAKE A BITE OUT OF
CRIME**



Publications



Second Annual Report of the Justice System Improvement Act Agencies, published by the Office of Justice Assistance, Research, and Statistics in conjunction with the National Institute of Justice, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, and the former Law Enforcement Assistance Administration. The report outlines the activities of the five agencies during fiscal year 1981. To order a free copy, contact: Public Information Office, OJARS, 633 Indiana Ave., N.W., Washington, D.C. 20531, 202/724-7782.

Fiscal Administration in State-Funded Courts, by Harry O. Lawson and Barbara J. Gletne, published by the National Center for State Courts. The cost is \$11.50 and the order number is R0059. To order, write: Publications Coordinator, National Center for State Courts, 300 Newport Ave., Williamsburg, Va. 23185.

Inventory of Enacted State Arson Legislation and State Legislator's Anti-

Arson Manual, both published by the National Legislative Conference on Arson. To order, contact: National Legislative Conference on Arson, P.O. Box 09604, Columbus, Ohio 43209, 614/235-1922.

Child/Family/Neighborhood: A Master Plan for Social Service Delivery, written by five social work leaders from the School of Social Work at the University of Southern California at Los Angeles and published by the Child Welfare League of America. The cost is \$5.95 and the order number is ISBN 0-87868-209-0, publication code CW-34. To order write: Child Welfare League of America, Inc., 67 Irving Place, New York, N.Y. 10003.

Arson Resource Directory, Second Edition, by Dr. Herman M. Weisman with Mildred Hunt and Thomas W. Gardner, published by the Federal Emergency Management Agency. To order, write: Arson Resource Center, U.S. Fire Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

National Crime Survey Working Papers, Vol. I: Current and Historical Perspectives (#75374) and Computer Crime: Computer Security Techniques (#84049), both published by the Bureau of Justice Statistics. To order a free copy, contact: National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850, 301/251-5500.

Basic Issues in Police Performance (#84429), Basic Issues in Court Performance (#84430), and Basic Issues in Prosecution and Public Defender Performance (#84431), all published by the National Institute of Justice. To order a free copy, contact: National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850, 301/251-5500.

Proceedings of the Correctional Education Association Conference, published by Eastern Kentucky University. The cost is \$2.50. To order, write: Dr. Bruce I. Wolford, Eastern Kentucky University, Department of Correctional Services, College of Law Enforcement, 105 Stratton Bldg., Richmond, Ky. 40475.

30% Of U.S. Households Hit By Crime Last Year

Almost 25 million American households were touched by crime last year, the Bureau of Justice Statistics has announced. The rate—30 percent of all households—was the same as a year earlier and somewhat below 1975, when 32 percent were affected.

The bureau said that U.S. families are more prone to have a member attacked in a serious violent crime—rape, robbery, or aggravated assault—than to have a residential fire or have a member injured in an automobile accident.

The bureau's bulletin, "Households Touched by Crime—1981," pointed out that the indicator has been very stable and that the kinds of households that were the most crime-prone in 1975 (black homes, higher income households, and those in the downtown areas of major cities) remained so during 1981.

The bulletin added that 10 percent of all households were touched by high-concern crime: household burglary or violent attacks by strangers—rape, robbery, and assault.

Most such households, it said, were hit by burglaries—7 percent of all U.S. households—and about 4 percent had members who were attacked by strangers. One percent were hit by both kinds of crime.

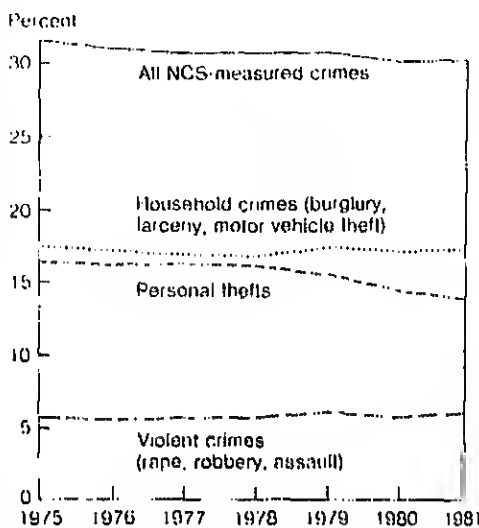
Blacks Victimization Higher

High concern crime was more common among black than white households and more frequent in urban than in suburban or rural homes, the bulletin said. However, it was about equally common among households of all income levels.

Households were more likely to be hit by such crimes than to have had a mem-

ber injured in a motor vehicle accident, the bulletin stated, and they were more likely to have had a member robbed than to have had a member stricken by cancer or heart disease.

More than 20 percent of American households were hit by a larceny, and in about 7 percent someone broke in or attempted to burglarize the home, the bureau said.



Note: Types of crime add to more than total because of overlap in households touched by different crimes (see text)

Households touched by crime, 1975-81

The bulletin said that about 50 percent of the households touched by violent crime had members attacked in a simple assault, the least serious violent crime. The other half, which consisted of 3 percent of all households, had members who were attacked in a rape, robbery, or aggravated assault.

(Simple assault is defined as an attack without a weapon that results in a minor

injury or one requiring less than two days of hospitalization or an attempted attack without a weapon. An aggravated assault is an attack or an attempted attack with a weapon or an assault that results in a serious injury, such as a broken bone, a loss of teeth, or an internal injury.)

Crime Indicator

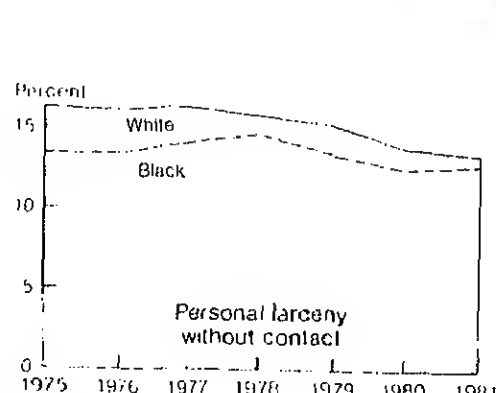
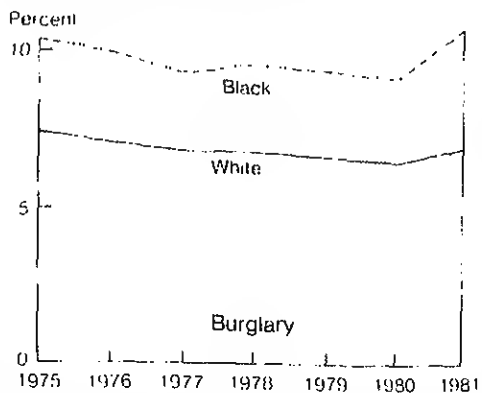
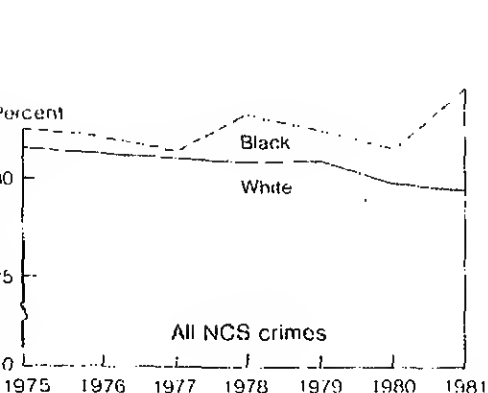
The findings are based on the year-old bureau crime indicator that measures the number of U.S. households that were the site of a burglary or a theft or those in which a member was a victim of a theft or a violent crime.

The indicator, based on preliminary estimates from the National Crime Survey, was developed to provide additional information on the nature and extent of crime nationally. The survey, initiated in 1973, interviews 132,000 persons twice each year in 60,000 households.

Another bureau report, "Criminal Victimization in the U.S., 1979-80 Changes, 1973-80 Trends," indicated that serious violent crime did not increase between 1973 and 1980. Between those years aggravated assault fell by 8.5 percent, personal larceny without contact declined 9.3 percent, household burglary fell 8.2 percent, and motor vehicle theft dropped 12.3 percent.

However, the report said that simple assault rose by 11.1 percent from 1973 to 1980, and household larceny jumped by 18.3 percent. Slight declines for rape, robbery, and personal larceny with contact were too small to be statistically significant, the report said.

The bulletin and the report can be obtained free by writing the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is 301/251-5500.



Households touched by selected crimes, by race of household head, 1975-81

Detention 43 Percent

The study also found that programs now operating have "an unfortunate tendency to shift from a focus on deinstitutionalization to a focus on prevention and diversion from arrest and court processing." This, Mr. Kobrin said, results in treatment extended to many cases where intervention is not needed.

Mr. Kobrin said the programs must guard against excessive narrowness in the content of their treatment approach. The evaluation study disclosed a tendency to make an almost exclusive use of psychological counselling. Additional types of treatment such as educational and employment counselling and job training were virtually excluded.

Prior Arrests Found

Such programs also should exercise greater care in the designation of youth who commit a status offense as being exclusively status offenders. The study revealed that only about 10 percent of those arrested for a status offense were without a record of arrest for a prior misdemeanor or felony.

Explaining the latter point, Mr. Kobrin said the study found that there would sometimes be a problem when attempts were made to place juveniles into programs to deinstitutionalize the status offender when the juveniles had committed other non-status offense violations and the courts wanted to place them in secure confinement.

Besides Mr. Kobrin, the other co-principal investigator and author was Malcolm W. Klein. Both are with the University of Southern California's Social Science Research Institute, in Los Angeles. The four-year study cost approximately \$1 million.

The views or opinions in the study are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice or any of its agencies or bureaus.

Copies of the executive summary of the study, "National Evaluation of the Deinstitutionalization of Status Offender Programs," are available free of charge by writing the Juvenile Justice Clearinghouse, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The full report is available from the clearinghouse on microfiche at \$18.



Programs should include educational counselling, the report said.

AROUND the NATION

TRENTON, N.J.—New Jersey became the 37th state with a death penalty when Governor Thomas Kean signed a capital punishment bill into law August 6 in a private ceremony in his office. The bill requires two separate trials before the death penalty can be carried out. The first trial would decide guilt. In the second trial, a jury would choose between death and life imprisonment after considering mitigating circumstances. At the time of enactment, state officials had not decided the method of execution.

SEATTLE, WASH.—Washington state has one of the most disproportionate rates of incarceration of racial minorities in the nation, according to a report by the Washington Council on Crime and Delinquency. Although racial and ethnic minorities account for approximately 11 percent of Washington's population, they comprise 30 percent of the population in adult correctional facilities, the report said. The report outlines a 16-point "action plan" to address the problem, including a statewide conference and sensitivity training for criminal justice personnel.

WASHINGTON, D.C.—Construction contractors lost almost \$1 billion last year in equipment theft, vandalism, and sabotage on construction sites around the nation, according to an annual survey by the Associated General Contractors of America. To combat these crimes, the AGC's Crime Prevention Committee has published manuals and pamphlets on how to set up crime prevention programs. Suggestions range from use of electronic alarm systems to routinely branding tools. The committee also worked with equipment distributors to publish a serial number guide to aid in identifying stolen equipment. Some AGC state chapters operate hotlines and training programs. For further information on the program, contact: John Berard, Associated General Contractors of America, 1957 E St., N.W., Washington, D.C. 20006, 202/393-2040.

FLINT, MICH.—Senior volunteers are Michigan's latest weapon in the fight against juvenile crime and delinquency. In cooperation with the Office of Juvenile Justice and Delinquency Prevention and ACTION, local agencies in Michigan are working to place volunteers in the Foster Grandparents and Retired Senior Volunteer programs in programs for juveniles. In Flint, volunteer seniors work in a juvenile court program. In Traverse City, volunteers tutor children and take them on field trips. Seven volunteers work with juvenile delinquents at the Berrien County Juvenile Center. "When resources in many of our social services agencies became scarce, people began to ask how we could carry on many of our programs for juveniles," said Carl Hamm, who monitors the project for OJJDP. "The use of volunteers is one of the best ways I can think of to stretch our resources."

Defense Laws Changed

Five states have created a new defense—guilty but mentally ill—in the wake of the trial of presidential attacker John Hinckley, according to the National Conference of State Legislatures. The five are New Mexico, Georgia, Delaware, Kentucky, and Alaska.

Twenty other states will consider changes in their insanity defense laws during their next legislative sessions. Hawaii is considering a bill that would shift the burden of proving insanity to the defendant, NCSL reports. ■

GRANTS

NJ

- \$129,222 to the National Center for State Courts, Williamsburg, Virginia, to conduct a one-year study of the performance characteristics of different types of juvenile courts.

Investigators will sample cases from courts with differing organizational structures and assess whether variations in the statistics are the result of these differences or from idiosyncrasies in local court systems.

- \$204,992 to the National Council of Juvenile and Family Court Judges, Reno, Nevada, to develop new courses and provide training on dealing with serious and violent juvenile offenders. The new curricula will help juvenile and family court judges become more familiar with practical programs for treating young delinquents and reintegrating them into the community.

OJJDP

- \$199,996 to the National Council on Crime and Delinquency's Research Center in San Francisco, California, to study the impact of court intervention on delinquent behavior and juvenile justice system costs.

The project will involve a comparison of the effects of long and short-term institutionalization, group home placement, probation, restitution, and other sanctions. ■

Limit Insanity Defen.

(continued from page 2)

insanity defense would still exist, and as such, would continue to permit the acquittal of persons who committed all the elements of the crime which were charged. In short, this change would make little practical difference to resolve the basic problem of assuring justice and efficiency in the trial process.

A second approach is to permit the jury to return a verdict of "guilty

In our view, this approach raises serious constitutional concerns. The clause requires that the government prove every element of the offense, including the requisite mental state. This approach, however, would apparently allow the government to convict a defendant even though he lacks the statutorily required mental state.

A verdict of guilty (but insane) would be permissible even in cases in which knowledge or willfulness were lacking. Under these circumstances, we believe this approach may well violate the Fifth and Fourteenth Amendments to the United States Constitution.

A third approach to modify the defense is to provide for a special verdict of "guilty but mentally ill." The Attorney General's Task Force on Violent Crime recommended this approach in its Final Report last year. A few states have enacted legislation to this effect. This approach does not alter the requirement that the government prove every essential element of the offense, including the mental state of mind. Under the Task Force approach, a verdict of "guilty but mentally ill" could be returned only if the mental illness does not negate the defendant's understanding of the unlawful nature of his conduct and does not negate his ability to form his action to the requirements of the law.

This approach avoids constitutional problems and offers a jury an alternative to the stark choice between conviction and acquittal. It does not eliminate confusing psychiatric testimony concerning a wide range of offenses directly related to the mental element, such as delusions of a divine calling.

The final approach—and the approach we support—permits a jury to return a verdict of guilty, not guilty, or "not guilty *only* by reason of insanity." A verdict may be returned *only* if the defendant, as a result of mental disease or defect, lacked the state of mind required as an element of the offense. Mental disease or defect would not otherwise constitute a defense.

This would abolish the insanity defense to the maximum extent permitted by the Constitution and would make mental illness a factor to be considered in sentencing, just like any other mitigating factor. It would also, of course, eliminate the presentation at trial of the confusing psychiatric testimony on insanity.

One point must be added. The insanity defense can never be completely eliminated. Under any approach, the government will always be required to prove every element of the statutory offense charged, including any intent or knowledge required by the statute. Thus, in the rare case in which a defendant is so mentally ill that he could not form the statutorily required mental state, the government cannot prove a required element and a conviction could not constitutionally be obtained.

However, under the approach we recommend, this rare case is the exception. In the vast majority of cases, a defendant committing a criminal act could not be found guilty. The approach eliminates the defense as far as constitutionally permissible.

Finally, whatever approach the Congress takes, it should enact provisions for the civil commitment of defendants who are dangerously disturbed and, for one reason or another, are not convicted. At present, outside the District of Columbia, there is no federal statute authorizing or compelling the commitment of a seriously mentally ill but presently dangerous and insane individual. The lack of such a commitment procedure in the federal system creates the very real potential that the public is inadequately protected from a dangerously insane defendant who is acquitted.

The Attorney General's Task Force on Violent Crime recommended legislation be enacted "to establish a federal commitment procedure for persons found incompetent to stand trial or not guilty by reason of insanity in federal court." The Administration strongly supports the recommendation of the Task Force on Violent Crime that such commitment procedures be promptly enacted into law.

Hearings Examine Victims' Problems

(continued from page 1)

"For too long the criminal justice system has focused exclusively on the rights of the accused and ignored the rights of the victim."

An elderly widow, Evelyn A. Blackwell, told how her inner-city home in Washington, D.C., had been burglarized five times. The burglars were never caught and Mrs. Blackwell never recovered any of her property. Now she is afraid to leave her home too long "For fear I'll return to find it ransacked again."

Other witnesses told the task force about programs established to aid crime victims such as Mrs. Blackwell.

In Alameda County, California, the District Attorney's Office and county police departments began screening cases and making referrals to the Red Cross to help victims—often elderly people—who, as the result of a crime, needed food, clothing, or medical attention. Assistant Attorney General Lowell Jensen told the task force.

Two of the 94 Federal Judicial Districts have victim/witness programs modeled after state and local programs established in the early 1970's with federal funds, he said. The U.S. Attorney's Office for the District of Columbia has a victim/witness unit based in the District of Columbia Superior Court, and the District of Colorado established a program to contact victims and witnesses at the U.S. Attorney's Office and inform them of the purpose and requirements of the court appearance, and provide other services.

Chaplain's Bureau

Rev. H.A. Hunderup heads a 15-member volunteer Chaplain's Bureau in the Portsmouth, Virginia, Police Department. The interdenominational group members take turns serving on call 24 hours a day twice a week to notify the families of crime and accident victims and provide counselling, transportation, food, and temporary shelter to crime victims and witnesses and their families. The chaplains also offer to accompany witnesses to court who are hesitant or afraid to testify.

"Many times people will trust a clergyman where they will not trust a police officer," Rev. Hunderup said.

The Portsmouth Kiwanis Club provides some funds to pay for food and

hotel bills of victims and witnesses and the police department also pays some expenses.

Report Due

The task force will wind up its hearings this month and begin preparing its report to the President "outlining the scope of the problem and solutions that public and private institutions can provide," Task Force Chairman Lois Haight Herrington said. The report is due to President Reagan in December.

Besides Mrs. Herrington, former deputy district attorney of Alameda County (Oakland), California, the task force members are:

Frank Carrington, executive director of the Victims Assistance and Legal Organization in Virginia Beach, Virginia, a board member of the National Organization for Victims Assistance, and author of "The Victims;" James P.

Damos, chief of police, University City, Missouri, and president of the International Association of Chiefs of Police; Doris Dolan, president and founder of Laws at Work and founder of the National Education Institution; Kenneth O. Eikenberry, attorney general of the State of Washington and former member of the Washington State House of Representatives; Robert J. Miller, district attorney for Clark County, Nevada, and chairman of victim services for the National District Attorney's Association; Rev. M. G. Robertson, president of the Christian Broadcasting Network in Virginia Beach, Virginia, and host of "The 700 Club" television show; Dr. Stanton E. Samenow, a clinical psychologist and consultant to the FBI and Federal Bureau of Prisons; Garfield Bobo, court assistant for the Supreme Court of the State of New York, president of the Bedford Stuyvesant Improvement Association, and a member of the Urban League of Greater New York.

Criminal Justice Reform Bill Proposed

(continued from page 1)

Under this approach, for example, a mental disease or defect would be no defense in a murder trial if the defendant knew he was shooting at a human being and was trying to kill him, even if the defendant acted out of an irrational or insane belief. Evidence of all other mental disease or defect would then be considered at sentencing.

Mental disease or defect would constitute a defense only if the defendant did not even know he had a gun in his hand or did not know he was shooting at a human being.

Exclusionary Rule

The proposed bill also would restrict the application of the exclusionary rule to those cases in which it would in fact act as a deterrent to unlawful police conduct. Under the proposal, the rule would not be invoked where evidence was obtained pursuant to a search or seizure undertaken by law enforcement officers in the reasonable and good faith belief that their acts were lawful.

"The proposal would enhance the operation of the federal criminal justice system by allowing courts greater access to all reliable evidence relevant in deter-

mining the guilt or innocence of the defendant, and would promote renewed respect for that system as a search for the truth in the minds of our citizens," a White House statement accompanying the bill said.

The Administration bill also is designed to limit unjustified review of state convictions by federal courts:

—by barring review of a claim not properly raised in state proceedings, unless the state failed to provide an opportunity to raise the claim consistent with federal law;

—by establishing a one-year limit following exhaustion of state remedies for application for federal habeas corpus;

—by requiring deference to state court determinations of factual and legal issues which have been fully and fairly adjudicated in state proceedings.

"The Administration remains firmly committed to protecting rights acquired by the Constitution, including those of criminal defendants in state criminal proceedings," the White House said.

"It believes, however, that the interests of justice are not served by allowing, as the present system does, endless opportunities to second-guess state court judges and juries."